



General Assembly

Substitute Bill No. 6361

January Session, 2009

* HB06361APP 041609 *

**AN ACT CONCERNING THE ESTABLISHMENT OF A SEXUAL
ASSAULT FORENSIC EXAMINERS PROGRAM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) There is established a
2 Sexual Assault Forensic Examiners Advisory Committee consisting of
3 the following: (1) The Chief Court Administrator, or the Chief Court
4 Administrator's designee; (2) The Chief State's Attorney, or the Chief
5 State's Attorney's designee; (3) the Commissioner of Public Health, or
6 the commissioner's designee; (4) a representative from the Division of
7 Scientific Services, appointed by the Commissioner of Public Safety; (5)
8 a representative from the Division of State Police appointed by the
9 Commissioner of Public Safety; (6) the Victim Advocate, or the Victim
10 Advocate's designee; (7) the president of the Connecticut Hospital
11 Association, or the president's designee; (8) the president of the
12 Connecticut College of Emergency Physicians, or the president's
13 designee; (9) one member from Connecticut Sexual Assault Crisis
14 Services, Inc., appointed by its board of directors; (10) one member
15 from the Connecticut Police Chiefs Association, appointed by the
16 association; (11) one member from the Connecticut Emergency Nurses
17 Association, appointed by the association; and (12) one member from
18 the Connecticut Chapter of the International Association of Forensic
19 Nurses, appointed by the association.

20 (b) The committee shall advise the Office of Victim Services on the
21 establishment and implementation of the sexual assault forensic
22 examiners program pursuant to subdivision (18) of subsection (b) of
23 section 54-203 of the general statutes, as amended by this act, and
24 section 2 of this act. The committee shall make specific
25 recommendations concerning: (1) The recruitment of registered nurses,
26 advanced practice registered nurses and physicians to participate in
27 such program; (2) the development of a specialized training course
28 concerning such program for registered nurses, advanced practice
29 registered nurses and physicians who participate in the program; (3)
30 the development of agreements between the Judicial Branch, the
31 Department of Public Health and acute care hospitals relating to the
32 scope of services offered under the program and hospital standards
33 governing the provision of such services; (4) individual case tracking
34 mechanisms; (5) utilization of medically accepted best practices; and
35 (6) the development of quality assurance measures.

36 (c) The Sexual Assault Forensic Examiners Advisory Committee
37 shall terminate on June 30, 2012.

38 Sec. 2. (NEW) (*Effective July 1, 2009*) (a) As used in this section,
39 "sexual assault forensic examiner" means a registered nurse or
40 advanced practice registered nurse licensed pursuant to chapter 378 of
41 the general statutes or a physician licensed pursuant to chapter 370 of
42 the general statutes.

43 (b) A sexual assault forensic examiner may provide immediate care
44 and treatment to a victim of sexual assault who is a patient in an acute
45 care hospital and may collect evidence pertaining to the investigation
46 of any sexual assault in accordance with the State of Connecticut
47 Technical Guidelines for Health Care Response to Victims of Sexual
48 Assault, published by the Commission on the Standardization of the
49 Collection of Evidence in Sexual Assault Investigations pursuant to
50 section 19a-112a of the general statutes, as amended by this act.
51 Services provided by a sexual assault forensic examiner shall be: (1) In
52 accordance with the hospital's policies and accreditation standards;

53 and (2) pursuant to a written agreement entered into by the hospital,
54 the Department of Public Health and the Office of Victim Services
55 concerning the hospital's participation in the sexual assault forensic
56 examiners program. Nothing in this section shall be construed as
57 altering the scope of the practice of nursing as set forth in section 20-
58 87a of the general statutes.

59 Sec. 3. Subsection (b) of section 54-203 of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective July*
61 *1, 2009*):

62 (b) The Office of Victim Services shall have the following powers
63 and duties:

64 (1) To direct each hospital, whether public or private, to display
65 prominently in its emergency room posters giving notice of the
66 availability of compensation and assistance to victims of crime or their
67 dependents pursuant to sections 54-201 to 54-233, inclusive, and to
68 direct every law enforcement agency of the state to inform victims of
69 crime or their dependents of their rights pursuant to sections 54-201 to
70 54-233, inclusive;

71 (2) To request from the office of the state's attorney, state police,
72 local police departments or any law enforcement agency such
73 investigation and data as will enable the Office of Victim Services to
74 determine if in fact the applicant was a victim of a crime or attempted
75 crime and the extent, if any, to which the victim or claimant was
76 responsible for his own injury;

77 (3) To request from the Department of Correction, other units of the
78 Judicial Department and the Board of Pardons and Paroles such
79 information as will enable the Office of Victim Services to determine if
80 in fact a person who has requested notification pursuant to section 54-
81 228 was a victim of a crime;

82 (4) To direct medical examination of victims as a requirement for
83 payment under sections 54-201 to 54-233, inclusive;

84 (5) To take or cause to be taken affidavits or depositions within or
85 without the state;

86 (6) To apply for, receive, allocate, disburse and account for grants of
87 funds made available by the United States, by the state, foundations,
88 corporations and other businesses, agencies or individuals to
89 implement a program for victim services which shall assist witnesses
90 and victims of crimes as the Office of Victim Services deems
91 appropriate within the resources available and to coordinate services
92 to victims by state and community-based agencies, with priority given
93 to victims of violent crimes, by (A) assigning, in consultation with the
94 Division of Criminal Justice, such victim advocates as are necessary to
95 provide assistance; (B) administering victim service programs; and (C)
96 awarding grants or purchase of service contracts in accordance with
97 the plan developed under subdivision (15) of this subsection to private
98 nonprofit organizations or local units of government for the direct
99 delivery of services, except that the provision of training and technical
100 assistance of victim service providers and the development and
101 implementation of public education campaigns may be provided by
102 private nonprofit or for-profit organizations or local units of
103 government. Such grants and contracts shall be the predominant
104 method by which the Office of Victim Services shall develop,
105 implement and operate direct service programs and provide training
106 and technical assistance to victim service providers;

107 (7) To provide each person who applies for compensation pursuant
108 to section 54-204, within ten days of the date of receipt of such
109 application, with a written list of rights of victims of crime involving
110 personal injury and the programs available in this state to assist such
111 victims. The Office of Victim Services, the state or any agent, employee
112 or officer thereof shall not be liable for the failure to supply such list or
113 any alleged inadequacies of such list. Such list shall include, but not be
114 limited to:

115 (A) Subject to the provisions of sections 18-81e and 51-286e, the
116 victim shall have the right to be informed concerning the status of his

117 or her case and to be informed of the release from custody of the
118 defendant;

119 (B) Subject to the provisions of section 54-91c, the victim shall have
120 the right to present a statement of his or her losses, injuries and wishes
121 to the prosecutor and the court prior to the acceptance by the court of a
122 plea of guilty or nolo contendere made pursuant to a plea agreement
123 with the state wherein the defendant pleads to a lesser offense than the
124 offense with which the defendant was originally charged;

125 (C) Subject to the provisions of section 54-91c, prior to the
126 imposition of sentence upon the defendant, the victim shall have the
127 right to submit a statement to the prosecutor as to the extent of any
128 injuries, financial losses and loss of earnings directly resulting from the
129 crime;

130 (D) Subject to the provisions of section 54-126a, the victim shall have
131 the right to appear before a panel of the Board of Pardons and Paroles
132 and make a statement as to whether the defendant should be released
133 on parole and any terms or conditions to be imposed upon any such
134 release;

135 (E) Subject to the provisions of section 54-36a, the victim shall have
136 the right to have any property the victim owns which was seized by
137 police in connection with an arrest to be returned;

138 (F) Subject to the provisions of sections 54-56e and 54-142c, the
139 victim shall have the right to be notified of the application by the
140 defendant for the pretrial program for accelerated rehabilitation and to
141 obtain from the court information as to whether the criminal
142 prosecution in the case has been dismissed;

143 (G) Subject to the provisions of section 54-85b, the victim cannot be
144 fired, harassed or otherwise retaliated against by an employer for
145 appearing under a subpoena as a witness in any criminal prosecution;

146 (H) Subject to the provisions of section 54-86g, the parent or legal

147 guardian of a child twelve years of age or younger who is a victim of
148 child abuse or sexual assault may request special procedural
149 considerations to be taken during the testimony of the child;

150 (I) Subject to the provisions of section 46b-15, the victim of assault
151 by a spouse or former spouse, family or household member has the
152 right to request the arrest of the offender, request a protective order
153 and apply for a restraining order;

154 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,
155 the victim of sexual assault or domestic violence can expect certain
156 records to remain confidential;

157 (8) Within available appropriations, to establish a victim's assistance
158 center which shall provide a victims' rights information clearinghouse
159 which shall be a central repository of information regarding rights of
160 victims of crime and services available to such victims and shall collect
161 and disseminate such information to assist victims;

162 (9) To provide, not later than January 1, 1994, a victims' notification
163 clearinghouse which shall be a central repository for requests for
164 notification filed pursuant to sections 54-228 and 54-229, and to notify,
165 on and after January 1, 1994, persons who have filed such a request
166 whenever an inmate has applied for release from a correctional
167 institution or reduction of sentence or review of sentence pursuant to
168 section 54-227 or whenever an inmate is scheduled to be released from
169 a correctional institution and, on and after January 1, 1994, to provide
170 victims of family violence crimes, upon request, information
171 concerning any modification or termination of criminal orders of
172 protection;

173 (10) To provide a telephone hotline that shall provide information
174 on referrals for various services for victims of crime and their families;

175 (11) To provide staff services to a state advisory council. The council
176 shall consist of not more than fifteen members to be appointed by the
177 Chief Justice and shall include the Chief Victim Compensation

178 Commissioner and members who represent victim populations,
179 including but not limited to, homicide survivors, family violence
180 victims, sexual assault victims, victims of drunk drivers, and assault
181 and robbery victims, and members who represent the judicial branch
182 and executive branch agencies involved with victims of crime. The
183 members shall serve for terms of four years. Any vacancy in the
184 membership shall be filled by the appointing authority for the balance
185 of the unexpired term. The members shall receive no compensation for
186 their services. The council shall meet at least six times a year. The
187 council shall recommend to the Office of Victim Services program,
188 legislative or other matters which would improve services to victims of
189 crime and develop and coordinate needs assessments for both court-
190 based and community-based victim services. The Chief Justice shall
191 appoint two members to serve as cochairmen. Not later than December
192 fifteenth of each year, the council shall report the results of its findings
193 and activities to the Chief Court Administrator;

194 (12) To utilize such voluntary and uncompensated services of
195 private individuals, agencies and organizations as may from time to
196 time be offered and needed;

197 (13) To recommend policies and make recommendations to agencies
198 and officers of the state and local subdivisions of government relative
199 to victims of crime;

200 (14) To provide support and assistance to state-wide victim services
201 coalitions and groups;

202 (15) To develop, in coordination with the Department of Social
203 Services, the Department of Public Health, the Office of Policy and
204 Management, the Department of Children and Families and the
205 Division of Criminal Justice, a comprehensive plan to more effectively
206 administer crime victims' compensation and coordinate the delivery of
207 services to crime victims, including the funding of such services. Such
208 plan shall be submitted to the Governor and the General Assembly not
209 later than January 1, 1994;

210 (16) Within available appropriations to establish a crime victims'
211 information clearinghouse which shall be a central repository for
212 information collected pursuant to subdivision (9) of this subsection
213 and information made available through the criminal justice
214 information system, to provide a toll-free telephone number for access
215 to such information and to develop a plan, in consultation with all
216 agencies required to provide notification to victims, outlining any
217 needed statutory changes, resources and working agreements
218 necessary to make the Office of Victim Services the lead agency for
219 notification of victims, which plan shall be submitted to the General
220 Assembly not later than February 15, 2000;

221 (17) To provide a training program for judges, prosecutors, police,
222 probation and parole personnel, bail commissioners, officers from the
223 Department of Correction and judicial marshals to inform them of
224 victims' rights and available services; [and]

225 (18) To establish a sexual assault forensic examiners program that
226 will train and make available sexual assault forensic examiners to
227 adolescent and adult victims of sexual assault who are patients at
228 participating acute care hospitals; and

229 [(18)] (19) To submit to the joint standing committee of the General
230 Assembly having cognizance of matters relating to victim services, in
231 accordance with the provisions of section 11-4a, on or before January
232 15, 2000, and biennially thereafter a report of its activities under
233 sections 54-201 to 54-233, inclusive, including, but not limited to,
234 implementation of training activities and mandates. Such report shall
235 include the types of training provided, entities providing training and
236 recipients of training.

237 Sec. 4. Subdivision (1) of subsection (e) of section 19a-112a of the
238 general statutes is repealed and the following is substituted in lieu
239 thereof (*Effective July 1, 2009*):

240 (e) (1) No costs incurred by a health care facility for the examination
241 of a victim of sexual assault, when such examination is performed for

242 the purpose of gathering evidence as prescribed in the protocol,
243 including the costs of testing for pregnancy and sexually transmitted
244 diseases and the costs of prophylactic treatment as provided in the
245 protocol, shall be charged directly or indirectly to such victim. Any
246 such costs shall be charged to the [Division of Criminal Justice] Office
247 of Victim Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	54-203(b)
Sec. 4	<i>July 1, 2009</i>	19a-112a(e)(1)

PH *Joint Favorable Subst. C/R*

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